

**United States District Court  
Eastern District of New York**

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**SANJAY VAZ**

Plaintiff,

Case No.: 13-cv-0445

**ANSWER**

*-against-*

**SAFDAR DAR ALI, ADRIENNE WASHINGTON  
A/K/A ADRIENNE WASHINGTON ALI**

Defendants.

-----X  
SIRS:

**PLEASE TAKE NOTICE** that Defendants, **SAFDAR ALI; ADRIENNE WASHINGTON, A/K/A ADRIENNE WASHINGTON ALI**, by their attorney, **ROBERT B. KRONENBERG, ESQ.**, respectfully submits the following, upon information and belief, as and for their Answer to Plaintiff's Complaint:

**ANSWERING THE PARTIES**

1. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "1" of the Complaint.

2. Defendants admit so much of paragraph numbered "2" of the Complaint as alleges the location of Defendants' business.

3. Defendants admit so much of paragraph numbered "3" of the Complaint as alleges the location of Defendants' business.

4. Defendants deny each and every allegation contained in paragraph numbered "4" of the Complaint.

5. Defendants deny each and every allegation contained in paragraph numbered “5” of the Complaint.

6. Defendants deny each and every allegation contained in paragraph numbered “6” of the Complaint.

7. Defendants deny each and every allegation contained in paragraph numbered “7” of the Complaint.

8. Defendants deny each and every allegation contained in paragraph numbered “8” of the Complaint.

#### **ANSWERING JURISDICTION AND VENUE**

9. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “9” of the Complaint and refers all questions of law to this Honorable Court.

10. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “10” of the Complaint and refers all questions of law to this Honorable Court.

#### **ANSWERING FACTUAL ALLEGATIONS**

11. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “11” of the Complaint and refers all questions of law to this Honorable Court.

12. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “12” of the Complaint and refers all questions of law to this Honorable Court.

13. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “13” of the Complaint.

14. Defendants admit the allegations contained in paragraph numbered “14” of the Complaint.

15. Defendants admit the allegations contained in paragraph numbered “15” of the Complaint.

16. Defendants deny the allegations contained in paragraph numbered “16” of the Complaint, except deny knowledge or information sufficient to form a belief as to the allegation concerning the plaintiff’s dates of employment.

17. Defendants deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered “17” of the Complaint.

18. Defendants deny each and every allegation contained in paragraph numbered “18” of the Complaint.

19. Defendants deny each and every allegation contained in paragraph numbered “19” of the Complaint.

20. Defendants deny each and every allegation contained in paragraph numbered “20” of the Complaint.

21. Defendants deny each and every allegation contained in paragraph numbered “21” of the Complaint.

22. Defendants deny each and every allegation contained in paragraph numbered “22” of the Complaint.

23. Defendants deny each and every allegation contained in paragraph numbered “23” of the Complaint.

24. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “24” of the Complaint and refers all questions of law to this Honorable Court.

25. Defendants deny each and every allegation contained in paragraph numbered “25” of the Complaint and refers all questions of law to this Honorable Court.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**FAIR LABOR STANDARDS ACT**  
**AGAINST THE DEFENDANTS AND EACH OF THEM**  
**(MINIMUM WAGE)**

26. As and for an answer to paragraph “26” of Plaintiff’s Complaint, Defendants repeat, reiterate and re-allege each and every response to paragraphs “1” through “25” above with the same force and effect as if set forth herein at length.

27. Defendants deny each and every allegation contained in paragraph numbered “27” of the Complaint and refers all questions of law to this Honorable Court.

28. Defendants deny each and every allegation contained in paragraph numbered “28” of the Complaint and refers all questions of law to this Honorable Court.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**FEDERAL FAIR LABOR STANDARDS ACT**  
**AGAINST THE DEFENDANTS AND EACH OF THEM**  
**(OVERTIME)**

29. As and for an answer to paragraph “29” of Plaintiff’s Complaint, Defendants repeat, reiterate and re-allege each and every response to paragraphs “1” through “28” above with the same force and effect as if set forth herein at length.

30. Defendants deny each and every allegation contained in paragraph numbered “30” of the Complaint and refers all questions of law to this Honorable Court.

31. Defendants deny each and every allegation contained in paragraph numbered “31” of the Complaint and refers all questions of law to this Honorable Court.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**STATE MINIMUM WAGE ACT**  
**AGAINST THE DEFENDANTS AND EACH OF THEM**  
**(MINIMUM WAGE)**

32. As and for an answer to paragraph “32” of Plaintiff’s Complaint, Defendants repeat, reiterate and re-allege each and every response to paragraphs “1” through “31” above with the same force and effect as if set forth herein at length.

33. Defendants deny each and every allegation contained in paragraph numbered “33” of the Complaint and refers all questions of law to this Honorable Court.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**STATE WAGE AND HOUR LAW**  
**AGAINST THE DEFENDANTS AND EACH OF THEM**  
**(OVERTIME)**

34. As and for an answer to paragraph “34” of Plaintiff’s Complaint, Defendants repeat, reiterate and re-allege each and every response to paragraphs “1” through “33” above with the same force and effect as if set forth herein at length.

35. Defendants deny each and every allegation contained in paragraph numbered “35” of the Complaint and refers all questions of law to this Honorable Court.

**AS AND FOR A FIFTH CAUSE OF ACTION**  
**NEW YORK STATE LABOR LAW**  
**AGAINST THE DEFENDANTS AND EACH OF THEM**  
**(SPREAD-OF-HOURS & SPLIT-SHIFT PAY)**

36. As and for an answer to paragraph “36” of Plaintiff’s Complaint, Defendants repeat, reiterate and re-allege each and every response to paragraphs “1” through “35” above with the same force and effect as if set forth herein at length.

37. Defendants deny each and every allegation contained in paragraph numbered “37” of the Complaint and refers all questions of law to this Honorable Court.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF’S CLAIMS**

38. The Complaint fails to state a cause of action, either under Federal Law and/or State Law, upon which relief can be granted against Defendants.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF’S CLAIMS**

39. Plaintiff has failed, refused or neglected to mitigate or avoid the damages complained of in the Complaint.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF’S CLAIMS**

40. Plaintiff consented to the conduct for which he now complains.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF’S CLAIMS**

41. Plaintiff has been paid and/or received all wages due him by virtue of his employment, including, but not limited to the applicable minimum wage, payment for overtime, if any, and payment for work performed during split-shift and/or the spread of hours in excess of ten (10) hours, if any.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF’S CLAIMS**

42. Plaintiff was treated fairly and in good faith and all actions taken by Defendants with regards to Plaintiff was for lawful business reasons and in good faith.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF’S CLAIMS**

43. Defendants had reasonable grounds for believing that any acts or omissions attributable to them were not a violation of any Federal and/or State laws, statutes, or regulations.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF'S CLAIMS**

44. Defendants did not knowingly or willfully violate any laws, statutes, or regulations alleged to have been violated in Plaintiff's Complaint.

**AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF'S CLAIMS**

45. Defendants have not willfully or intentionally failed to comply with any Federal and/or State laws, statutes, or regulations to justify any awards of penalties or fees, including, but not limited to liquidated damages.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF'S CLAIMS**

46. This action is barred by the applicable statute(s) of limitations.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF'S CLAIMS**

47. The alleged acts or omissions of the Defendants were not the proximate cause of any injuries or damages incurred by Plaintiff. Any injuries or damages incurred by Plaintiff were the result of Plaintiff's own actions, the actions of others, and/or superseding intervention of causes outside the control of the Defendants.

**AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF'S CLAIMS**

48. In the event that Plaintiff's damages as alleged in the Complaint were caused, in whole or in part, by the culpable conduct of Plaintiff, then the amount of damages otherwise recoverable by Plaintiff should be extinguished or reduced in the proportion that the culpable conduct attributable to Plaintiff bears to the culpable conduct that caused the damages.

**AS AND FOR A TWELVTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF'S CLAIMS**

49. In the event of any judgment or verdict on behalf of Plaintiff, the Defendants are entitled to a set-off of verdict with respect to the amounts of any payments made to Plaintiff for expenses or damages prior or subsequent thereto.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF'S CLAIMS**

50. The cause of action asserted by Plaintiff is in bad faith, without probable cause of success, and Defendant is entitled to reasonable costs, counsel fees, and related expenses pertaining to the defense of this action.

**AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF'S CLAIMS**

51. Defendants' decisions and actions in this matter would have been taken in the absence of any impermissible motivating factors.

**AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE**  
**TO ALL PLAINTIFF'S CLAIMS**

52. Plaintiff's claims are barred in whole, or in part, by the statute of limitations, res judicata, collateral estoppel, or a combination of all or any doctrine.

**DEMAND FOR A JURY TRIAL**

53. Defendants demand a jury trial as to any and all issues raised in the Complaint and this Answer that are triable before a jury.

54. That by reason of this action, Defendants have been and will be put to costs and expenses, including, but not limited to attorney's fees.

**WHEREFORE,** Defendants pray judgment be granted against Plaintiff, including the costs, disbursements and reasonable attorney's fees incurred by this action and such other further and different relief as this Court deems just and proper.

Dated: Hauppauge, New York  
February 28, 2013



Yours, etc.

The Law Office of Robert B. Kronenberg

By:                     /S/                      
Robert B. Kronenberg (RBK-7091)  
Attorney for Defendants  
Safdar Ali and Adrienne Washington  
1355 Motor Parkway  
Hauppauge, New York 11749  
Tel: (631) 234-4434

To: Law Offices of William Cafaro  
108 West 39<sup>th</sup> Street, Suite 602  
New York, NY 10018

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Answer and Jury Demand was furnished via ECF and regular mail to:

Law Offices of William Cafaro  
108 West 39<sup>th</sup> Street, Suite 602  
New York, NY 10018

on this 28<sup>th</sup> day of February, 2013

The Law Office of Robert B. Kronenberg

By:                     /S/                      
Robert B. Kronenberg (RBK-7091)